



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

February 3, 1993

The Honorable Timothy J. Toomey, Jr.  
House of Representatives  
State House  
Boston, MA 02133

Dear Representative Toomey:

Pursuant to the request of the City Council in accordance with the arrangements made previously with Speaker Flaherty, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed order adopted by the Cambridge City Council at its meeting of January 25, 1993 approving the filing of the following attached legislation entitled:

## AN ACT RELATIVE TO LICENSING OF CERTAIN MOTOR CARRIERS IN THE CITY OF CAMBRIDGE

It is my understanding that upon receipt of this legislation you and your staff will review the text of the enclosed legislation to determine its appropriateness for filing and if any changes or corrections are necessary, your office will contact me as soon as possible.

Thank you for your cooperation in this matter.

Very truly yours,

*D. Margaret Drury*  
D. Margaret Drury  
City Clerk

DMD/dl

Encs.

c.c. Speaker Charles F. Flaherty  
Representative Alvin Thompson



# City of Cambridge

Agenda Item No. 17

IN CITY COUNCIL  
January 25, 1993

ORDERED: That this City Council go on record favoring the filing of the attached Home Rule Petition entitled: "AN ACT RELATIVE TO LICENSING OF CERTAIN MOTOR CARRIERS IN THE CITY OF CAMBRIDGE".

In City Council January 25, 1993.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy, *D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

Cambridge

The undersigned, citizens of....., respectfully

petition for the passage of the accompanying bill or resolve, and/or for legislation relative to licensing  
of certain motor carriers in the city of Cambridge

Petitioners are requested to sign names and addresses legibly.

Edward G. J.  
Henry B. Aubrey  
Kenneth E. Reeves  
Sheila T. Russell  
Alice K. Wolf  
L. J. Loomis Jr.  
Jonathan S. Myers

106 Dudley St. Camb MA  
26 Lowell Street Cambridge  
11 Everett St., Cambridge, MA  
5 Hawthorn Pk Camb. Me.  
48 Huron Ave Camb. Me  
88 Sixth St Camb MA  
31 Chalk St. Camb MA



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

## AN ACT

RELATIVE TO LICENSING OF CERTAIN MOTOR CARRIERS IN  
THE CITY OF CAMBRIDGE

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding any Massachusetts General Laws or Special Acts to the contrary, in Cambridge, no person shall operate a motor vehicle in the city for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by public transportation authorities, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or by transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license therefor from the Cambridge License Commission pursuant to Chapter 122 of the Acts of 1930. Within forty-five days of receiving an application for a license to operate such a motor vehicle on a fixed route, the Cambridge License Commission shall consult with the Director of Traffic and Parking, hold a public hearing on the application, and

transmit its decision to the City Manager. A hearing and advertising fee of \$110.00 may be charged the applicant for each application submitted. This fee may be amended from time to time as determined by the License Commission.

SECTION TWO. The City Manager shall, following receipt of the License Commission's decision as described above, transmit such decision to the Cambridge City Council which shall vote whether or not to accept the decision of the License Commission. In transmitting the License Commission's decision to the Council, the Manager shall indicate his own approval or disapproval of the decision.

SECTION THREE. Any application for a license to operate a motor vehicle on a fixed route is to be submitted in the first instance to the License Commission. Any such application which is received by the City Clerk shall be immediately transmitted to the License Commission for attention in accordance with the provisions of this Act.

SECTION FOUR. If an application for a license is not acted upon within 60 days of receipt of the application by the License Commission or is denied by the City Council, the applicant may appeal to the Department of Public Utilities within five days of receipt of the denial or upon expiration of the 60 day period, upon a petition in writing setting forth all the material facts in the case. The City of Cambridge, Clerk's Office, License Commission and Solicitor's Office and any other interested parties, shall be notified of any hearings held by the Department of Public Utilities

with regard to the appeal. If the Department of Public Utilities agrees with the decision made by the City Council, the decision shall be affirmed and notice given thereof to the City Clerk's Office, License Commission and City Solicitor's Office and interested parties. If the Department of Public Utilities disagrees with the decision of the City Council, it shall so state its recommendations in writing to the City Council for the City Council to refer back to the License Commission for consideration. There shall be a hearing by the License Commission as to the Department of Public Utilities recommendations. The License Commission shall then make its recommendations to the City Council through the City Manager for decision. The City Council may then issue an order specifying the route or routes on which a motor vehicle(s) subject to this section may be operated and the number of vehicles which may be operated under such license or deny such application with reasons specifying the public need or harm to the common good. If the City Council shall still deny the petition after reviewing the recommendations made by the Department of Public Utilities, no further appeal may be made to the Department of Public Utilities. Consideration should be made to fulfilling the needs of the Cambridge citizens, as well as tourists and students to this area while using, to the best of its ability, the local transportation industry to meet these needs for transportation.

SECTION FIVE. Every such license shall specify the route or routes over which the motor vehicles used thereunder may be

operated, and shall be on a form approved by the ~~Massachusetts~~ Department of Public Utilities; provided that a variance from a form so approved shall not affect the validity of the license if the form used is in substantial conformity with the approved form. A licensee shall not operate motor vehicles for the purposes specified in section one otherwise than upon routes specified in the license or licenses issued to him; provided, that in the event of the closing of the whole or a portion of such route by public authority or of interference with the operation thereon by street repairs, fire, accident, unusual and severe traffic congestion or other emergency, a licensee may temporarily operate such vehicles by a reasonably direct and convenient detour.

SECTION SIX. After public notice and hearing, the Cambridge License Commission may, for good and sufficient reasons to be stated in the order of revocation, revoke in whole or in part such a license issued by the Commission.

SECTION SEVEN. No motor vehicle shall be operated under any license issued under this act until such licensee, in addition to complying with all orders, rules and regulations of the licensing authority, shall have deposited with the state treasurer a bond, running to him in such sum as the Massachusetts Department of Public Utilities may reasonably require in accordance with the relevant terms of General Laws Chapter 159A.

SECTION EIGHT. In determining whether or not to issue a license pursuant to this act, the city shall also make a

determination of whether or not the public convenience and necessity require such operation.

SECTION NINE. In the event of the decease, incompetency, insolvency, bankruptcy or corporate reorganization, under the bankruptcy law of the United States, of a holder of a license issued pursuant to this act, the Cambridge License Commission, subject to the review and approval of the City Manager and the City Council, may, upon application of the assignee, trustee, or personal representative, conditionally transfer such license to him pending decision by the city as to the fitness, willingness and ability of said transferee to conduct the operations or business authorized by said license. In the event of the decease, incompetency, insolvency, or bankruptcy of a member of a partnership holding such license, the Commission, upon application of the surviving partners, assignee, trustee, receiver or personal representative of the deceased, incompetent, insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining partners.

SECTION TEN. Any license granted pursuant to this act may be assigned and transferred in whole or in part, with the approval and the consent of the License Commission, after a public hearing, at which hearing it shall be established to the satisfaction of said Commission that the proposed transfer and assignment are consistent with the public interest, that the public convenience and necessity require it, and that the transferee is fit, willing and able properly to conduct the operation or business authorized by said

license, provided however that no such license shall be ~~transferred~~ except in connection with the bona fide sale to the transferee of the business of the transferor theretofore conducted in connection with the license. Any holder of a license granted pursuant to this act shall also be bound by the restrictions on ownership of stock or shares in other carriers as provided in General Laws Chapter 159A.

SECTION ELEVEN. No person shall drive any motor vehicle under authority of this act unless he or she shall, in addition to being duly licensed by the registrar of motor vehicles to operate such motor vehicles, be licensed by the Massachusetts Department of Public Utilities pursuant to General Laws, Chapter 159A, Section 9.



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**AN ACT RELATIVE TO LICENSING OF CERTAIN MOTOR  
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# City of Cambridge

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In City Council January 25, 1993.  
Adopted by a yea and nay vote:-  
Yeas 9; Nays 0; Absent 0.  
Attest:- D. Margaret Drury, City Clerk.

A true copy, *D. Margaret Drury*

ATTEST:-

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transmit its decision to the City Manager. A hearing and advertising fee of \$110.00 may be charged the applicant for each application submitted. This fee may be amended from time to time as determined by the License Commission.

SECTION TWO. The City Manager shall, following receipt of the License Commission's decision as described above, transmit such decision to the Cambridge City Council which shall vote whether or not to accept the decision of the License Commission. In transmitting the License Commission's decision to the Council, the Manager shall indicate his own approval or disapproval of the decision.

SECTION THREE. Any application for a license to operate a motor vehicle on a fixed route is to be submitted in the first instance to the License Commission. Any such application which is received by the City Clerk shall be immediately transmitted to the License Commission for attention in accordance with the provisions of this Act.

SECTION FOUR. If an application for a license is not acted upon within 60 days of receipt of the application by the License Commission or is denied by the City Council, the applicant may appeal to the Department of Public Utilities within five days of receipt of the denial or upon expiration of the 60 day period, upon a petition in writing setting forth all the material facts in the case. The City of Cambridge, Clerk's Office, License Commission and Solicitor's Office and any other interested parties, shall be notified of any hearings held by the Department of Public Utilities

with regard to the appeal. If the Department of Public Utilities agrees with the decision made by the City Council, the decision shall be affirmed and notice given thereof to the City Clerk's Office, License Commission and City Solicitor's Office and interested parties. If the Department of Public Utilities disagrees with the decision of the City Council, it shall so state its recommendations in writing to the City Council for the City Council to refer back to the License Commission for consideration. There shall be a hearing by the License Commission as to the Department of Public Utilities recommendations. The License Commission shall then make its recommendations to the City Council through the City Manager for decision. The City Council may then issue an order specifying the route or routes on which a motor vehicle(s) subject to this section may be operated and the number of vehicles which may be operated under such license or deny such application with reasons specifying the public need or harm to the common good. If the City Council shall still deny the petition after reviewing the recommendations made by the Department of Public Utilities, no further appeal may be made to the Department of Public Utilities. Consideration should be made to fulfilling the needs of the Cambridge citizens, as well as tourists and students to this area while using, to the best of its ability, the local transportation industry to meet these needs for transportation.

SECTION FIVE. Every such license shall specify the route or routes over which the motor vehicles used thereunder may be

operated, and shall be on a form approved by the Massachusetts Department of Public Utilities; provided that a variance from a form so approved shall not affect the validity of the license if the form used is in substantial conformity with the approved form. A licensee shall not operate motor vehicles for the purposes specified in section one otherwise than upon routes specified in the license or licenses issued to him; provided, that in the event of the closing of the whole or a portion of such route by public authority or of interference with the operation thereon by street repairs, fire, accident, unusual and severe traffic congestion or other emergency, a licensee may temporarily operate such vehicles by a reasonably direct and convenient detour.

SECTION SIX. After public notice and hearing, the Cambridge License Commission may, for good and sufficient reasons to be stated in the order of revocation, revoke in whole or in part such a license issued by the Commission.

SECTION SEVEN. No motor vehicle shall be operated under any license issued under this act until such licensee, in addition to complying with all orders, rules and regulations of the licensing authority, shall have deposited with the state treasurer a bond, running to him in such sum as the Massachusetts Department of Public Utilities may reasonably require in accordance with the relevant terms of General Laws Chapter 159A.

SECTION EIGHT. In determining whether or not to issue a license pursuant to this act, the city shall also make a

determination of whether or not the public convenience and necessity require such operation.

SECTION NINE. In the event of the decease, incompetency, insolvency, bankruptcy or corporate reorganization, under the bankruptcy law of the United States, of a holder of a license issued pursuant to this act, the Cambridge License Commission, subject to the review and approval of the City Manager and the City Council, may, upon application of the assignee, trustee, or personal representative, conditionally transfer such license to him pending decision by the city as to the fitness, willingness and ability of said transferee to conduct the operations or business authorized by said license. In the event of the decease, incompetency, insolvency, or bankruptcy of a member of a partnership holding such license, the Commission, upon application of the surviving partners, assignee, trustee, receiver or personal representative of the deceased, incompetent, insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining partners.

SECTION TEN. Any license granted pursuant to this act may be assigned and transferred in whole or in part, with the approval and the consent of the License Commission, after a public hearing, at which hearing it shall be established to the satisfaction of said Commission that the proposed transfer and assignment are consistent with the public interest, that the public convenience and necessity require it, and that the transferee is fit, willing and able properly to conduct the operation or business authorized by said

license, provided however that no such license shall be transferred except in connection with the bona fide sale to the transferee of the business of the transferor theretofore conducted in connection with the license. Any holder of a license granted pursuant to this act shall also be bound by the restrictions on ownership of stock or shares in other carriers as provided in General Laws Chapter 159A.

SECTION ELEVEN. No person shall drive any motor vehicle under authority of this act unless he or she shall, in addition to being duly licensed by the registrar of motor vehicles to operate such motor vehicles, be licensed by the Massachusetts Department of Public Utilities pursuant to General Laws, Chapter 159A, Section 9.

# City of Cambridge

MASSACHUSETTS

Agenda # 17

In City Council Jan. 25 1993

Reconsideration

YEA	NAY	ABSENT	PRESENT	
				Mr. Ed Cyr
	✓			Mr. Francis H. Duehay
	✓			Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
		✓		Mr. Walter J. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
	✓			Ms. Alice K. Wolf
	✓			Mayor Kenneth E. Reeves

1 7 1 0



# CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ  
Commission Chairman

KEVIN FITZGERALD  
Chief-of-Fire Department  
Commission Member

HENRY BREEN  
Police Representative  
Commission Member

RICHARD V. SCALI  
Commission Executive Officer

Date: January 6, 1993

To: Robert W. Healy, City Manager  
Councillor Ed Cyr

Fr: Richard V. Scali, Executive Officer

Re: Home rule petition-Jitney permits

Pursuant to a consultation with Don Drisdell, Deputy City Solicitor, I enclose a copy of the draft home rule petition with amendments made at his suggestion.

Basic changes were made with regard to wording. Don feels that it is possible to take away the power from the DPU as we are changing the law by home rule petition. This is the reason for the home rule petition and that there is not a barrier to changing the law.

We also added a sentence to the final paragraph which makes it more clear that should the City Council still deny the petition after review of the recommendations made by the DPU, there is no further right of appeal to the DPU or the courts.

If you should need any further information, please let me know. I will attend the Transportation Committee's meeting on this tomorrow night at 5:30 pm.

cc: Alex Rodriguez, Chairman  
Donald Drisdell, Deputy City Solicitor  
Michael McMahon, Officer  
Fred Kussman, Inspector

DRAFT DRAFT DRAFT

AN ACT

RELATIVE TO LICENSING OF CERTAIN MOTOR CARRIERS  
IN THE CITY OF CAMBRIDGE

NOTWITHSTANDING ANY MASSACHUSETTS GENERAL LAWS OR SPECIALS ACTS, to the contrary, in CAMBRIDGE, no person shall operate a motor vehicle in the City for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by public transportation authorities, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or by transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license therefor from the Cambridge License Commission pursuant to Chapter 122 of the Acts of 1930. Within forty-five days of receiving an application for a license to operate such a motor vehicle on a fixed route, the Cambridge License Commission shall consult with the Director of Traffic and Parking, hold a public hearing on the application, and transmit its decision to the City Manager. A hearing and advertising fee of \$110.00 may be charged the applicant for each application submitted. This fee may be amended from time to time as determined by the License Commission.

The City Manager shall, following receipt of the License Commission's decision as described above, transmit such decision to the Cambridge City Council shall vote whether or not to accept

the decision of the License Commission. In transmitting the License Commission's decision to the Council, the Manager shall indicate his own approval or disapproval of the decision.

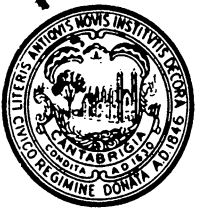
Any application for a license to operate a motor vehicle on a fixed route is to be submitted in the first instance to the License Commission. Any such application which is received by the City Clerk shall be immediately transmitted to the License Commission for attention in accordance with the provisions of this Act.

If an application for a license is not acted upon within 60 days of receipt of the application by the License Commission or is denied by the City Council, the applicant may appeal to the Department of Public Utilities within five days of receipt of the denial or upon expiration of the 60 day period, upon a petition in writing setting forth all the material facts in the case. The City of Cambridge, Clerk's Office, License Commission and Solicitor's Office and any other interested parties, shall be notified of any hearings held by the Department of Public Utilities with regard to the appeal. If the Department of Public Utilities agrees with the decision made by the City Council, the decision shall be affirmed and notice given thereof to the City Clerk's Office, License Commission and City Solicitor's Office and interested parties. If the Department of Public Utilities disagrees with the decision of the City Council, it shall so state

its recommendations in writing to the City Council for the City Council to refer back to the License Commission for consideration. There shall be a hearing by the License Commission as to the Department of Public Utilities recommendations. The License Commission shall then make its recommendations to the City Council through the City Manager for decision. The City Council shall then issue an order specifying the route or routes on which a motor vehicle(s) subject to this section may be operated and the number of vehicles which may be operated under such license or deny such application with reasons specifying the public need or harm to the common good. If the City Council shall still deny the petition after reviewing the recommendations made by the Department of Public Utilities, no further appeal may be made to the Department of Public Utilities or the courts. Consideration should be made to fulfilling the needs of the Cambridge citizens, as well as tourists and students to this area while using, to the best of its ability, the local transportation industry to meet these needs for transportation.

c. 159A, § 6 - Bond ?

c. 159A



# CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ  
Commission Chairman

KEVIN FITZGERALD  
Chief-of-Fire Department  
Commission Member

HENRY BREEN  
Police Representative  
Commission Member

RICHARD V. SCALI  
Commission Executive Officer

## JITNEY PERMIT PROCEDURE

1. Send a letter to License Commission, with name, address, telephone number, number of vehicles, place of garaging, number and names of drivers, reason for applying, purpose of service, whom you will serve, and start and finish of your service.
2. Probation reports should be filed on each owner, driver and manager of the company/corporation.
3. If you have an office in Cambridge a plan of the office/garage should be filed with your application and also to the fire and building departments.
4. Approvals from the building and fire departments are necessary if you have an office or garage in Cambridge.
5. If you are a corporation, your Articles of Organization must be submitted to the License Commission.
6. File a copy of your business certificate with your application from the City Clerk's office.
7. A hearing and advertising fee of \$110.00 must be submitted with the application.
8. Please consult with the Traffic and Parking Department, 57 Inman Street on your route and obtain approvals in form of a letter from Traffic and Parking.

B. The number of licenses issued under Article II of this chapter shall be that number determined by the License Commission to be required to meet the standard of public convenience and necessity, without harming the public welfare. (Ord. 1065 (part), 1988: prior code § 16-35)

#### 5.20.360 License—Required.

A. No person shall operate a motor vehicle in the manner described in Section 5.20.350 of this article without first obtaining a license therefor from the License Commission pursuant to Chapter 122 of the Acts of 1930. Within forty-five days of receiving an application for a license to operate such a motor vehicle on a fixed route, the License Commission shall consult with the Director of Traffic and Parking, hold a public hearing on the application, and transmit its decision to the City Manager.

B. The City Manager shall, following receipt of the License Commission's decision as described above, transmit such decision to the City Council, which, pursuant to Chapter 159A of the General Laws, shall vote whether or not to accept the decision of the License Commission; provided, that the City Council shall be deemed to have accepted the decision of the License Commission if the Council does not act on the matter within sixty days of the date when the License Commission originally received the license application. In transmitting the License Commission's decision to the Council, the Manager shall indicate his own approval or disapproval of the decision.

C. Any application for a license to operate a motor vehicle on a fixed route is to be submitted in the first instance to the License Commission. Any such application which is received by the City Clerk shall be immediately transmitted to the License Commission for attention in accordance with the provisions of this section. (Ord. 1065 (part), 1988: prior code § 16-36)

#### 5.20.370 Proper service over the route.

The licensee shall maintain proper service

over the route for which the license is issued. (Ord. 1065 (part), 1988: prior code § 16-38)

#### 5.20.380 Passengers—Carrying required—Exception.

No person operating any motor vehicle so licensed shall refuse to carry any person offering himself to be carried as a passenger therein, unless the seats of the vehicle are fully occupied and the number of passengers thereon is the number allowed the operator to be carried at one time, or unless such person is intoxicated or disorderly. (Ord. 1065 (part), 1988: prior code § 16-37)

#### 5.20.390 Passengers—Number and seating.

No greater number of passengers shall be carried at any time in any such motor vehicle than there are seats to accommodate such passengers; provided that, in addition thereto, children under seven years of age may be carried therein in arms or seated in the laps of parents or adult persons accompanying them, but no passenger with a child in arms or seated on the lap shall be permitted to sit with or immediately next to the driver of the vehicle, nor shall any passenger be permitted to ride upon any fender, dash, top floor, steps or running board of any such vehicle. (Ord. 1065 (part), 1988: prior code § 16-40)

#### 5.20.400 Full stop at railroad crossing.

Every such motor vehicle shall come to a full stop immediately before crossing the tracks of any railroad at grade. (Ord. 1065 (part), 1988: prior code § 16-43)

#### 5.20.410 Found property—Operator duties.

Every person operating any such motor vehicle shall deliver any article left therein by any passenger to the officer in charge of the lost-and-found department of the licensee not later than twenty-four hours after finding the same. (Ord. 1065 (part), 1988: prior code § 16-42)

**5.20.420 Passenger solicitation restrictions.**

No person operating any motor vehicle shall solicit passengers by outcry, or make any noise for the purpose of soliciting passengers. (Ord. 1065 (part), 1988: prior code § 16-39)

**5.20.430 Operators—Unlawful activities designated.**

No person operating any such motor vehicle shall collect fares, make change or discharge passengers while the vehicle is in motion, nor shall such operator possess a lighted cigarette, lighted cigar or lighted pipe while any passenger is being carried therein, nor drink any intoxicating beverage of any kind, nor be under the influence thereof, while engaged in operating such vehicle. (Ord. 1065 (part), 1988: prior code § 16-41)

**5.20.440 License—Suspension or revocation conditions.**

A. The City Council may, pursuant to Chapter 159A of the General Laws, suspend or revoke any license granted for the operation of any such motor vehicle for any reason deemed by the City Council, in exercise of its discretion, to be sufficient, subject to any provisions of law relative to appeals or modifications thereof.

B. The License Commission may, pursuant to Chapter 122 of the Acts of 1930, suspend or revoke any license granted for the operation of any such motor vehicle described in Section 5.20.350 for good cause shown, following proper notice and hearing.

C. No person shall operate a motor vehicle described in Section 5.20.350 without express authority from both the City Council and the License Commission. (Ord. 1065 (part), 1988: prior code § 16-44)

**Article III. Livery Vehicles****5.20.450 License—Requirements.**

The License Commission shall license any livery vehicle picking up any person or package in Cambridge for the purpose of transporting

such person or package for hire. Each licensed livery vehicle which is not also a licensed hackney carriage must operate either based on a contract prearranged significantly prior to the time of the pickup, or based on a contract made pursuant to a prospective rider's telephone call to a company which receives requests for transportation for hire. No licensed livery vehicle which is not also a licensed hackney carriage may pick up a person in response to a street hail, or may stand in a public cab stand, or in a special cab stand authorized for Cambridge hackney carriages only. (Ord. 1065 (part), 1988: prior code § 16-45)

**5.20.460 License—Number issued.**

The License Commission shall determine the number of licenses needed under Section 5.20.450 to provide for public convenience and necessity without harming the public welfare, and that number shall be the maximum number of such licenses to be issued. (Ord. 1065 (part), 1988: prior code § 16-46)

**5.20.470 Found property requirements.**

Every licensee or agent of a licensee under this article shall, immediately after delivering any passenger in Cambridge, search the livery vehicle for any property which may have been left therein, and any property so found therein and not restored to the owner shall, within twenty-four hours, be delivered by the finder to the headquarters of the Cambridge Police Department. (Ord. 1065 (part), 1988: prior code § 16-47)

**Article IV. Radio Services and Similar Services****5.20.480 License—Requirements.**

A. The License Commission shall license each enterprise which receives requests for transportation for hire and which, by wire, cable or radio, dispatches any vehicle:

1. Which is required to be licensed by the License Commission; or
2. Which is being directed to pick up a person or package in Cambridge.

# City of Cambridge

The Traffic and Transportation Committee conducted a public hearing on Thursday, January 7, 1993 beginning at 5:43 p.m. in the Sullivan Chamber, City Hall.

Vice Mayor Edward N. Cyr, Chair of the above referenced Committee, convened the hearing and stated that the purpose of this date's proceedings was to discuss a draft of a home rule petition relative to Licensing of Certain Motor Carriers in the City of Cambridge. Present at the hearing were: Mayor Kenneth E. Reeves and Deputy City Clerk John E. Flynn.

To begin the discussion, Vice Mayor Cyr entered into the record a memorandum from Richard V. Scali, Executive Officer of the Cambridge License Commission, dated January 6, 1993, outlining a draft home rule petition with amendments. (A copy of the memorandum is attached).

At this time, the Chair recognized Donald A. Drisdell, Deputy City Solicitor, to outline the proposed amendments to those assembled. Mr. Drisdell noted the following amendments:

1. In paragraph one on page one, add the following wording prior to in Cambridge: Notwithstanding any Massachusetts General Laws or Special Acts, to the contrary; and
2. On the last page, second to last statements, strike the words "or the courts".

Mr. Drisdell stated that the wording "or the courts" was provocative and not necessary. He also noted that the license was a privilege and not a right. Mr. Drisdell also stated that the proposed home rule petition would allow the petitioner to appeal the decision of the License Commission to the Department of Public Utilities (DPU) and if not denied by the DPU, the city would reconsider it along with recommendations by the DPU and it could still be denied by the city. He stated that the outlined process was similar to a liquor license process.

Mayor Reeves inquired of the citation of the state statute regulating the liquor license process.

In response, Mr. Drisdell cited Chapter 138 of the Massachusetts General Laws without the words "or the courts". He further stated that with those words included, it would allow the legislature with a way out of enactment of this petition.

Vice Mayor Cyr concurred with Mr. Drisdell's assessment of the legislative process stating that the inclusion of the words "or the courts" would make the city look capricious.

Mr. Drisdell also requested of the Committee for a period of time to further review the petition and be allowed to forward additional recommendations to the City Council prior to a vote on the matter. He stated that he was reviewing the posting of a bond question as contained in Chapter 159A Section 7 regarding the Certificate of Public conveyance and necessity. He also stated the need to try to tie together the city's determination of the certificate of public conveyance and necessity.

Mayor Reeves suggested to the Chair that some preparatory discussions be held with the appropriate state officials to review the petition before submission to the legislature to see how it would float.

Vice Mayor Cyr concurred with the Mayor's suggestion and noted that this petition would not be an easy one to get through the legislature and the Governor's signature. He also suggested a meeting with the Cambridge legislative delegation to iron out any differences and to prepare a strategy. He also stated that preliminary discussions have been held with House Speaker Charles F. Flaherty on this matter.

Mr. William Cavellini, 158 Brookline Street, suggested caution in dealing with state officials in order not to allow others any lead time to affect the outcome of the petition.

At this time, Vice Mayor Cyr offered the following order:

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor with the view in mind of continuing the drafting of appropriate language on the issues raised and that said amendments be forwarded to the City Council for discussion prior to the vote on the petition.

On a voice vote, the motion carried.

At this time, Mr. Scali submitted to the committee a copy of the present Jitney Permit Procedure employed by the License Commission. (A copy is attached).

Vice Mayor Cyr at this time offered the following order:

ORDERED: That the City Manager be and hereby is requested to confer with the License Commission with the view in mind of preparing testimony outlining the procedures and steps to be employed by the City at the time of the legislative hearings on this matter.

On a voice vote, the motion carried.

Mayor Reeves stated the need for a comprehensive strategy enlisting other communities in order for passage of this petition. He further stated that he expects most opposition will be from Boston-based concerns.

At this time, Vice Mayor Cyr opened the floor for public comment on the petition.

Mr. Michael Gervais, 60 Mount Vernon Street, Somerville, stated his support for the petition but also suggested that the city get tougher and start better regulating the various shuttle services presently operating on the public ways.

Vice Mayor Cyr inquired of Mr. Scali of how the line is drawn in categorizing the various modes of jitneys.

Mr. Scali cited Chapter 159A where the categories are determined and the oversight placed.

Mr. Cavellini stated that the petition gained in importance over the past two weeks. He outlined to the committee the appreciation of Joseph's Limousine Service which was denied by the License Commission and is being appealed to the DPU to be heard on January 14, 1993 at 2:00 p.m. He noted that this service has a kind of approach that involved an air of arrogance. He further stated that the applicant did not appear before the Commission at the time of the hearing. He also spoke of the process that has been employed by the DPU where applicants are always granted a license. He also stated that the industry feels threatened with the expansion of authority by the DPU and that this license process should be under the purview of the local licensing authority. Mr. Cavellini also commented that opposition on the petition would come from limousines services.

Mayor Reeves inquired for an assessment of what support could be gained from drivers outside of the city.

Vice Mayor Cyr recounted a conversation with an owner in another community stating the need to reign in the DPU. The owner stressed the need to try to get back to the traditional approach where local authorities have jurisdiction in these licensing matters.

Mr. Arthur Santoro, owner of Campus Cab, commented on the Joseph Limousine application before the DPU.

Mr. Tibor Hangyal, 31 Franklin Avenue, Somerville, stated that it was imperative to get the word out and that the petition is not only for the protection of the operator but a matter of public

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safety. He further spoke of the New York City taxi experience where there exists no responsibility, no safety and no consumer protection. He also stated the need for the industry to be held accountable.

Mr. Neil McLellan, 610 Broadway, Somerville, commented on the hardships presently being felt by the industry due to the economic climate of the area.

Mr. Lawrence Prift, 289 Pearl Street, stated to the Committee the need that it review who is being affected by this petition. He also stated the need for a strong preamble as well as a review of all jitneys to ensure that they are in compliance. He also stated that in a struggle between us v. them/City v. State negotiations are needed regarding annual fees/renewal fees; service plan; licensing of drivers; combining of routes (privatization); vehicle markings (vehicle v. cargo).

Vice Mayor Cyr inquired of the procedures to be used in the licensing of drivers.

Mr. Drisdell in response stated that a discussion of this question was contained in Chapter 159A and was under further review by the Law Department.

Vice Mayor Cyr also stated his agreement with the concept of vehicle markings.

Mr. Robin Trimble, 85 Coolidge Avenue, Somerville, outlined to the committee the frustrations being felt by the industry with regards to university-owned vans. He spoke of "Safe Ride" and how it is taking money away from operators.

Mr. Abraham Lom, 14 E.J. Lopez Avenue, asked the committee to review the Galleria Shuttle's route due to it not following the approved route.

Mr. Gervais commented on the need for a full time Hackney investigator and that cabs want to serve the public right. He also stated that the city needs to make improvements.

Vice Mayor Cyr recognized the frustration being experienced by the industry due to the economic downturn. He further stated that the City Council has made a tremendous effort to meet the needs of the industry. He also noted that the effort put into the draft petition by the City Manager and the Law Department illustrates a strong support for the industry. He also stated that the committee will work with the Mayor in developing a strategy before going to Beacon Hill.

Vice Mayor Cyr moved the petition as amended to the full City Council.

The hearing was adjourned at 6:45 p.m.

For the Committee,

*Edward N. Cyr* (JEF)

Vice Mayor Edward N. Cyr  
Chair

2.

COMMITTEE REPORT

Traffic and Transportation Committee  
for a hearing held on January 7, 1993  
relative to a draft home rule petition  
relative to Licensing of Certain Motor  
Carriers in the City of Cambridge.

In City Council,

January 25, 1993

*Report Accepted  
As amended.*

*Order adopted  
favoring the filing  
of legislation.*



## CITY OF CAMBRIDGE

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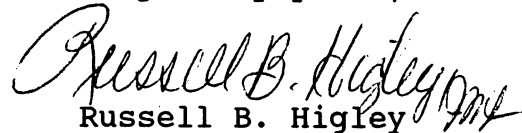
January 22, 1993

Mr. Robert W. Healy  
City Manager  
City Hall  
Cambridge, MA 02139

Dear Mr. Healy:

Please find attached the Home Rule Petition relative to jitney licenses. I have incorporated a number of amendments in response to issues raised at the Transportation Subcommittee of the City Council.

Very truly yours,

  
Russell B. Higley

RBH/jml  
Enclosure

17.



CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
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EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

January 25, 1993

To The Honorable, The City Council:

I am hereby transmitting for your consideration, amendments to a Home Rule Petition relative to jitney licenses. These amendments are based on issues raised by the Transportation Subcommittee of the City Council.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy  
City Manager

RWH/mev  
attachments

Consent Agenda Item # 17 5-46

Home Rule Petition entitled "AN ACT  
RELATIVE TO LICENSING OF CERTAIN MOTOR  
CARRIERS IN THE CITY OF CAMBRIDGE."

In City Council,

January 25, 1993

*Order adopted*

*9-0-0*